

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., et al.

Plaintiffs

v.

D-LINK CORPORATION, et al.

Defendants.

Civil Action No. 6:10-cv-473

JURY TRIAL DEMANDED

**JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER
TO EXTEND DISCOVERY DEADLINE**

I. INTRODUCTION

Plaintiffs, Ericsson Inc. and Telefonaktiebolaget LM Ericsson, and all Defendants, D-Link Systems, Inc., NETGEAR, Inc., Acer, Inc., Acer America Corporation, Gateway, Inc., Dell Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, and Belkin International, Inc., and Intervenor Intel Corporation (collectively, the “Parties”) file this joint motion to amend the Docket Control Order to extend the date for the close of discovery.

The date for the close of discovery, as set by the October 19, 2012, Order Granting the Parties’ Motion To Amend Docket Control Order to Extend Discovery Deadline (Dkt. No. 290). Due to the complexity of scheduling depositions of pertinent witnesses in a number of countries, the Parties request to extend the date for the close of discovery from November 16, 2012, to December 14, 2012:

Current Deadline	Amended Deadline	
April 22, 2013	April 22, 2013	Sur-Replies to Dispositive Motions (including <i>Daubert</i> motions) due.
April 16, 2013	April 16, 2013	Replies in Support of Dispositive Motions (including <i>Daubert</i> motions) due.
April 10, 2013	April 10, 2013	Response to Dispositive Motions (including <i>Daubert</i> motions) due. Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> motions, shall be due in accordance with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
March 27, 2013	March 27, 2013	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
Eliminated	Eliminated	Deadline to file replies to oppositions to letter briefs on dispositive motions (including <i>Daubert</i> Motions).
March 22, 2013	March 22, 2013	Parties to Identify Rebuttal Trial Witnesses.
March 8, 2013	March 8, 2013	Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would affect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.
March 6, 2013	March 6, 2013	Deadline to file oppositions to letter briefs on dispositive motions (including <i>Daubert</i> Motions).
March 1, 2013	March 1, 2013	Deadline to file letter briefs with the Court seeking leave to file dispositive motions (including <i>Daubert</i> Motions). In the event any such letter brief is filed prior to this date, any opposition shall be filed one week after the letter brief is filed, and any reply to the opposition shall be filed one week after the opposition is filed.
March 1, 2013	March 1, 2013	Close of Expert Discovery.
February 12, 2013	February 12, 2013	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due. Refer to Local Rules for required information.

January 4, 2013	January 4, 2013	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
November 16, 2012	December 14, 2012	Discovery Deadline.

II. GOOD CAUSE EXISTS TO AMEND THE DOCKET CONTROL ORDER

This suit involves seven asserted patents and twelve named parties. In addition to the large number of named parties, numerous key witnesses related to the asserted technology reside in multiple countries, including the United States, Sweden, Japan, and Germany requiring extensive coordination of overseas depositions, discovery, and travel amongst multiple attorneys across many offices. Because of the international locale of the parties and key witnesses, the complex nature of the seven asserted patents, and the coordination of multiple schedules between numerous witnesses and the Parties' counsel, good cause exist to amend the Docket Control Order.

To date, the Parties have been working diligently and collectively to come up with a workable plan to accommodate the schedules of each party. Due to the difficulty in coordinating the discovery process between multiple parties, counsel, and countries, the Parties respectfully request to extend the discovery deadline originally set for November 16, 2012, to December 14, 2012. The Parties do not request further modification of any other deadlines.

Therefore, because good cause exists and the proposed amendments do not alter the trial date or pre-trial order, the Parties respectfully request that this Court grant this joint motion to amend the Docket Control Order to extend the discovery deadline from November 16, 2012 to December 14, 2012. The requested amendment is sought in the interest of justice and not for the

purpose of delay. A proposed Order granting this motion is attached for the Court's convenience.

DATED: November 14, 2012

Respectfully submitted,

/s/ Robert M. Parker

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 14, 2012. All other counsel will be served via first class mail.

/s/ Robert M. Parker

Robert M. Parker

CERTIFICATE OF CONFERENCE

I hereby certify that pursuant to Local Rule CV-7(h), counsel for Plaintiffs and counsel for all Defendants have reached agreement on the present motion.

/s/ Robert M. Parker

Robert M. Parker